

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

Quality Metrics

Greg Vidovich

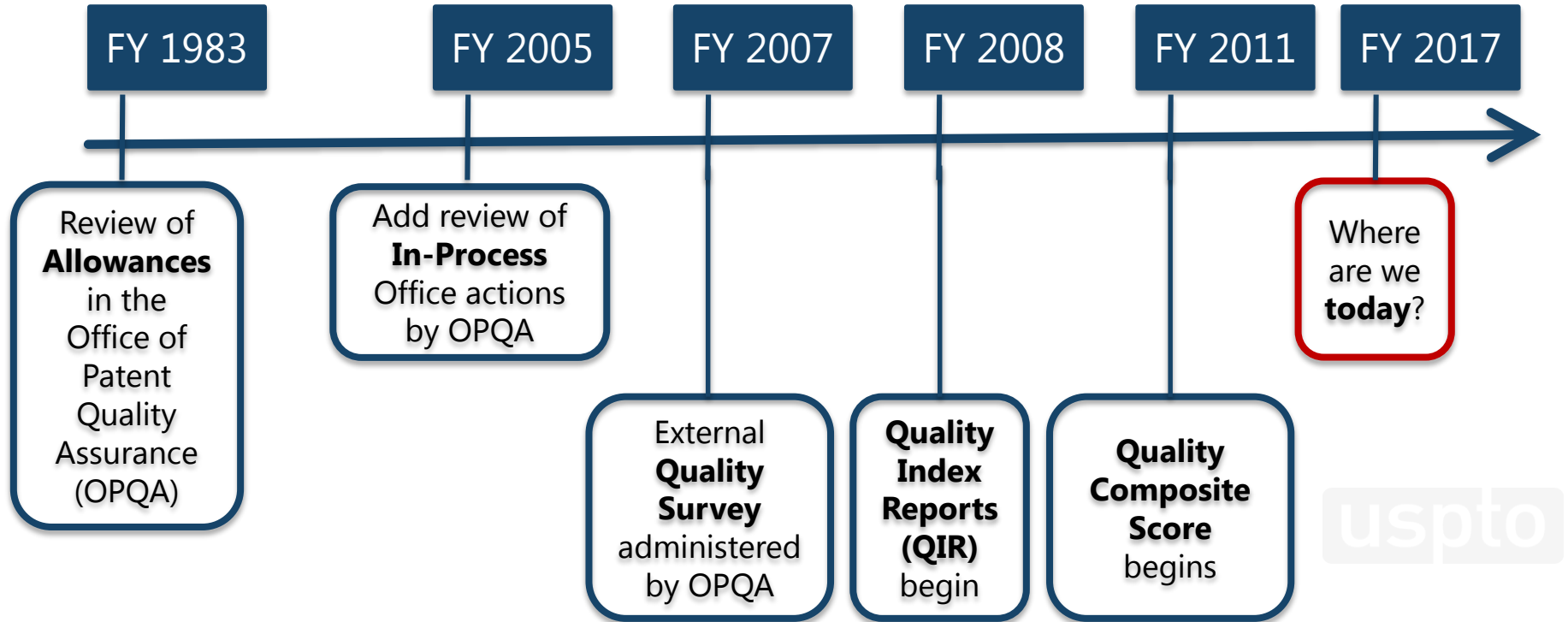
Associate Commissioner for Patent Quality

November 3, 2016

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Historical Perspective on Measuring Patent Quality



Quality Metrics Redefined

FY 2011 – FY 2015

Final Disposition Compliance
In-Process Compliance
First Action (FAOM) Review
Search Review
Quality Index Reporting (QIR)
External Quality Survey
Internal Quality Survey
Composite Score

Moving Forward

Product Indicators

Master Review Form

Capturing both correctness and clarity of examiners' final work product using uniform criteria gathered in a single database

Process Indicators

Transactional QIR

Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators

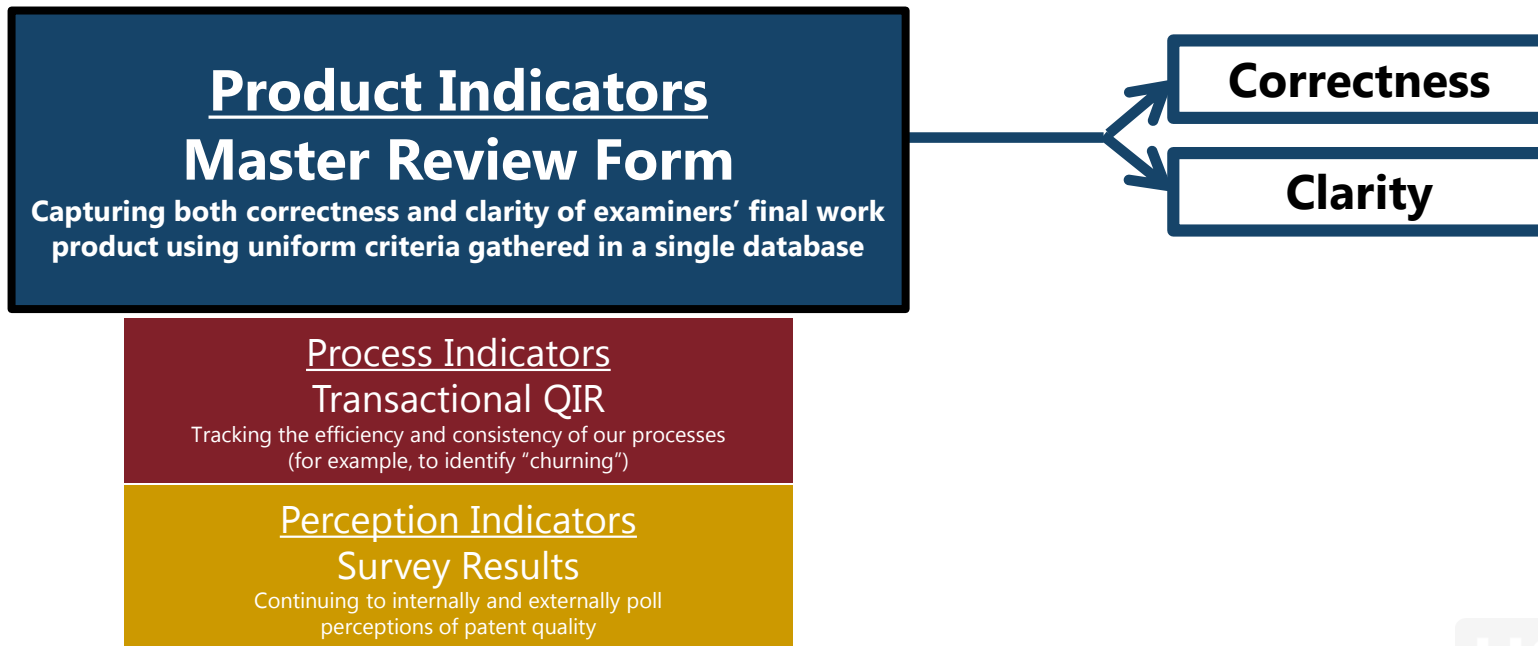
Survey Results

Continuing to internally and externally poll perceptions of patent quality

Composite Score



Key Product Indicators



Key Product Indicators – MRF Based

- Metrics are derived from reviews done using the new Master Review Form (MRF)
- The MRF:
 - Is a ***single, comprehensive*** tool that can be used by all areas of the Office to ***consistently*** review finished work product
 - Collects information on ***clarity and correctness***
 - Collects review results in a ***single data warehouse*** for more ***robust analysis***

OPQA Reviews of Finished Office Actions

FY 2015

- Completed 7,900 reviews

FY 2016

- Completed 12,000 MRF reviews

FY 2017

- Projected to complete 18,500 MRF reviews
- Data captured at TC Level

Key Product Indicators – Correctness

- Correctness metrics will show compliance rate by statute
- Compliance Rate =
$$\frac{\text{Total Reviews} - \text{Non-Compliant Reviews}}{\text{Total Reviews}}$$
- Non-Compliant Reviews = Omitted + Improper Rejections
- The total number of reviews will remain constant for all statutes and includes those reviews that USPTO's Office of Patent Quality Assurance conducts on randomly-sampled Office actions

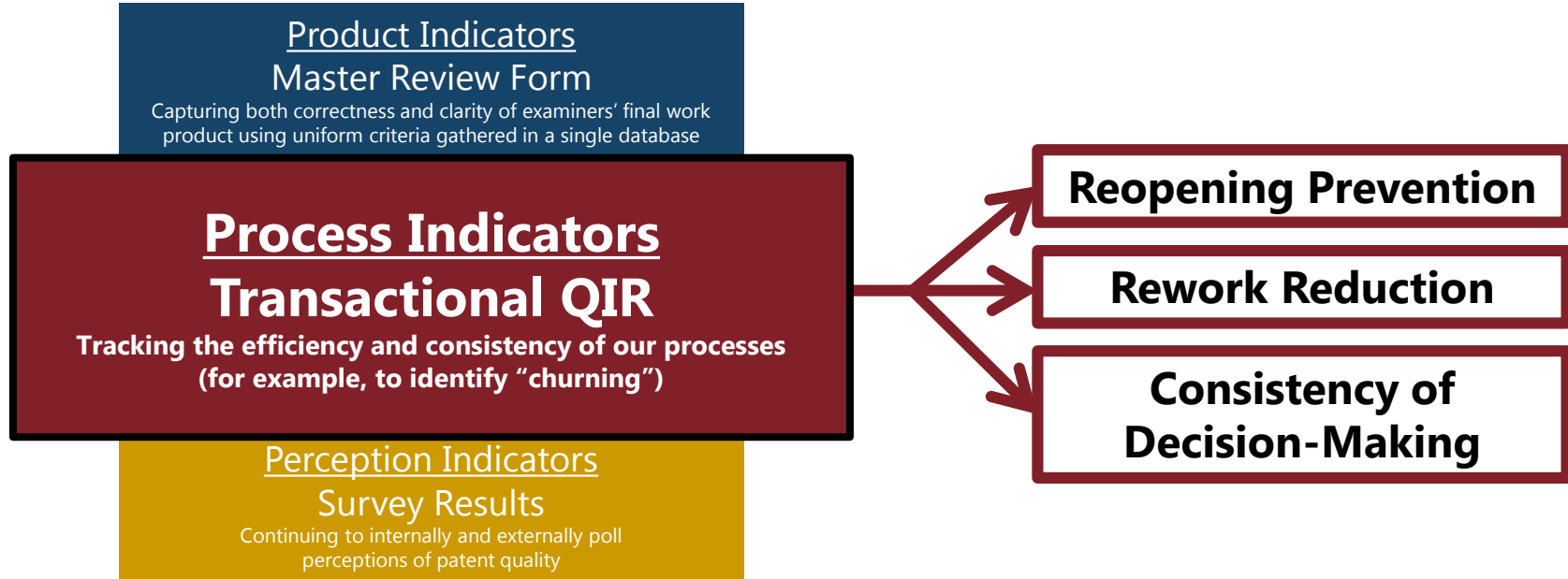
Key Product Indicators – Clarity

- The USPTO is working on developing clarity metrics
- The Office is continuing to work on ensuring that the MRF captures clarity data as accurately as possible
- The USPTO is analyzing the MRF's clarity data for purposes of identifying quality trends

Clarity Standards

- Clarity questions are assessed as follows:
 - Average
 - Below
 - Above average
- Definition of AVERAGE drives the definition for above and below
 - Average clarity is the level of clarity expected for Office Actions from the great majority of examiners that is sufficient to allow anyone reviewing the Office Action to readily understand the position taken.

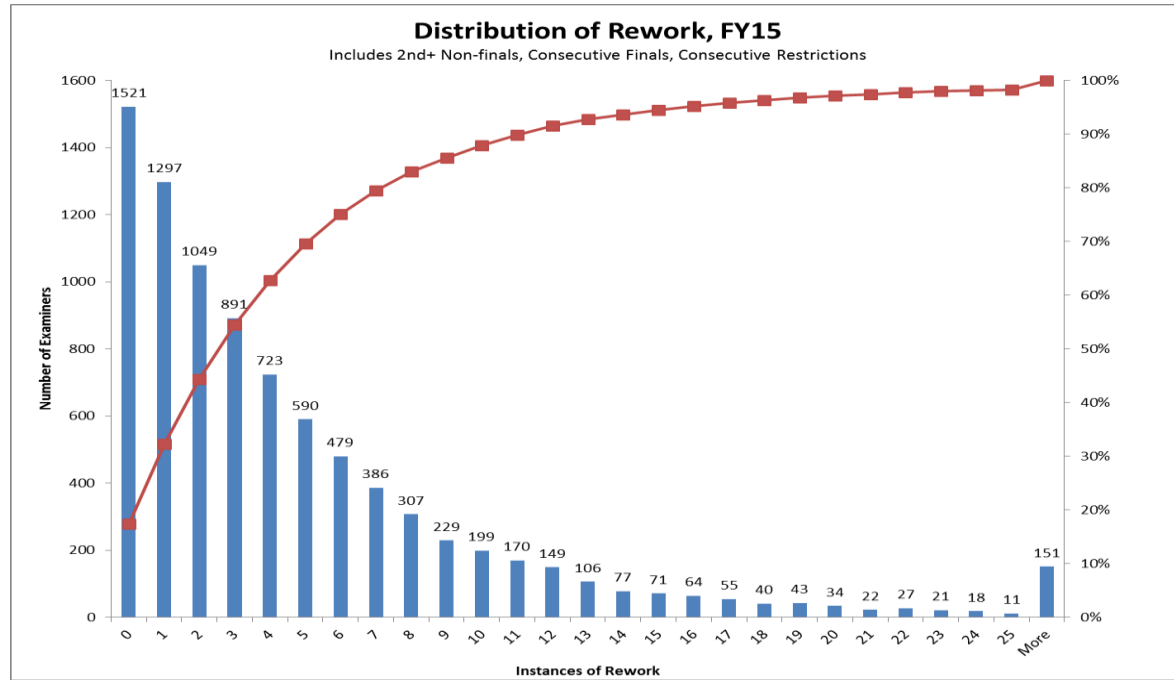
Key Process Indicators



Key Process Indicators – Approach

- Focus on three process indicators from our Quality Index Report (QIR)
 - Reopening Prevention
 - Rework Reduction
 - Consistency of Decision Making
- Use data to identify outliers for each indicator for further root-cause analysis
- Based on root-cause analysis, work to either capture any identified best-practices or train examiners, as appropriate

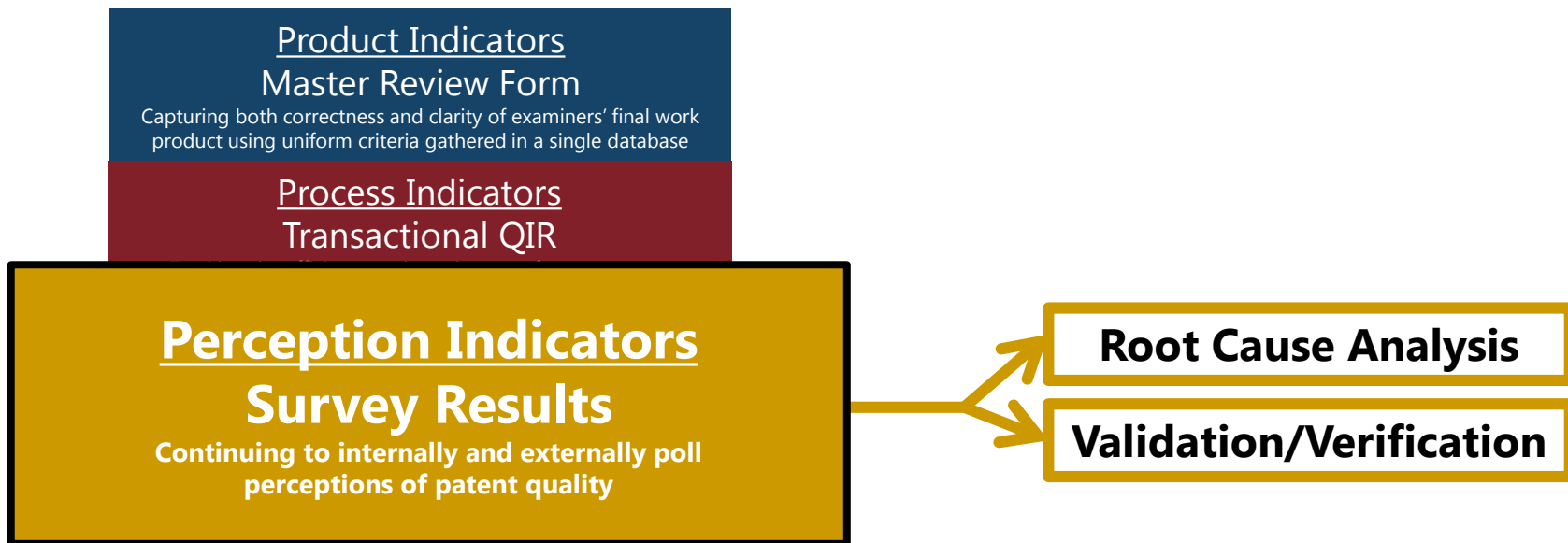
Example – Rework Reduction



Metric is sum of transactional QIR data points including consecutive finals, consecutive restrictions, and 2nd+ non-finals

Note: Instances of rework impacted by *Alice Corp. v. CLS Bank* decision

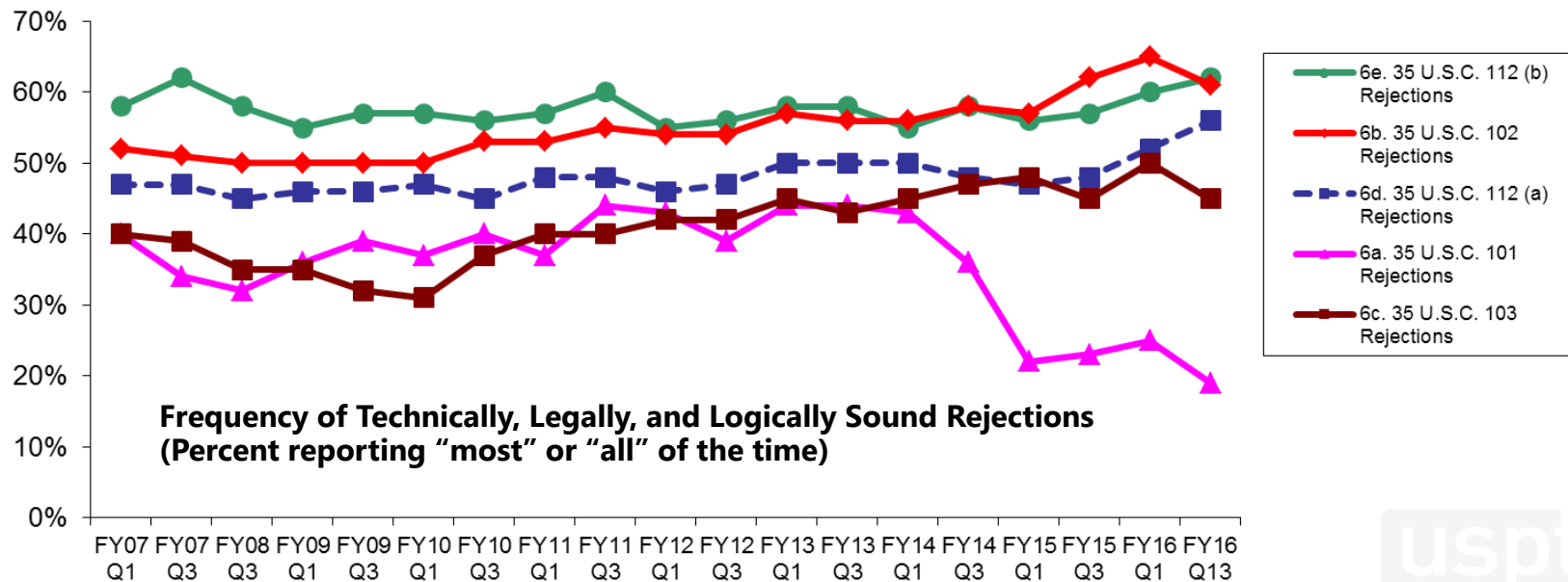
Key Perception Indicators



Key Perception Indicators

- USPTO has conducted internal and external perception surveys semi-annually since 2006
 - External survey is of 3,000 frequent-filing customers
 - Internal survey is of 750 randomly selected patent examiners
- The survey results will be used to validate other quality metrics

Perception Survey Results - Example



Next Steps

- Publish correctness targets
- Develop clarity metrics
- Use indicators to identify areas for improvement

Questions and Comments

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